

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BIENVENIDO RUIZ

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CIVIL ACTION

v.

EDWARD KLEM

NO. 04-5798

ORDER

In considering petitioner's objections to Magistrate Judge Welsh's Report and Recommendation, I find that petitioner fails to address Judge Welsh's conclusions of law and merely reasserts his case as argued in petitioner's traverse to respondent's answer.

AND NOW, this 2nd day of June 2005, after consideration of the petition for writ of habeas corpus, the response thereto, petitioner's traverse, Magistrate Judge Welsh's Report and Recommendation, petitioner's objection thereto, and respondents' response, it is ORDERED as follows:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for writ of habeas corpus is DISMISSED.
3. There is NO BASIS for the issuance of a certificate of appealability.

s/ Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.